

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ELAINE L. CHAO, SECRETARY)
OF LABOR, UNITED STATES)
DEPARTMENT OF LABOR,)

Plaintiff,)

v.)

URBAN INVESTIGATION)
INCORPORATED and WESLEY)
R. CHISM, Individually,)

Defendants.)

No. 4:05-CV-645 RWS

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff United States Department of Labor's application for judgment by default. For the following reasons, the application should be granted and default judgment entered in this matter.

The Complaint in this matter was filed on April 21, 2005. Defendant Urban Investigation Incorporated was served by the United States Marshal's Service on July 13, 2005. Defendant Wesley R. Chism was served by the United States Marshal's Service on August 16, 2005. The Answer from Defendant Urban Investigation Incorporated was due to be filed on or before August 2, 2005. The Answer from Defendant Wesley R. Chism was due to be filed on or before September 12, 2005. Defendants failed to answer or otherwise defend and on October 3, 2005, an Entry of Default Against Defendants Urban Investigation Incorporated and Wesley R. Chism, individually, was entered by the Clerk of the Court.

The Complaint in this matter alleges that defendants have violated and are violating Sections 7 and 15(a)(2) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§ 201, et seq.) (the "Act"), by employing certain employees in an enterprise engaged in commerce or in the production

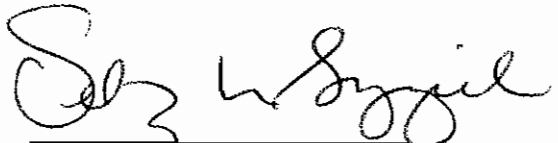
of goods for commerce, for workweeks longer than 40 hours since February 11, 2002, without compensating said employees for their employment in excess of 40 hours in such workweeks at rates not less than one and one-half times the regular rates at which they were employed. The Complaint includes an Appendix A which names persons employed or formerly employed by defendants to whom amounts are owed for overtime work. The Complaint also seeks liquidated damages as authorized by Section 16(c) of the Act.

Pursuant to Rule 55(b)(2), Federal Rules of Civil Procedure, and Plaintiff's Application, and for good cause shown, plaintiff's motion for default judgment should be granted.

Accordingly,

IT IS HEREBY ORDERED that plaintiff United States Department of Labor's application for judgment by default against defendants Urban Investigation Incorporated and Wesley R. Chism is **GRANTED**. [Doc. 16]

An appropriate default judgment will accompany this Memorandum and Order.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 28th day of December, 2005.